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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,519	02/22/2002	Ali Kutay	3866.P009	5977

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EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>10/082,519</p>	<p>Applicant(s)</p> <p>KUTAY ET AL</p>	
	<p>Examiner</p> <p>Nhon (Gary) D Nguyen</p>	<p>Art Unit</p> <p>2179</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11242004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Document "Smart Patent Licenses Inxight Software's Hyperbolic Tree Technology" is missing from the IDS filed 05/17/2002; therefore, the reference cited has not been considered.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 1-73 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-36 of copending Application No. 10/082427. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-11, 14, 16-18, 20-22, 24-30, 33, 35-37, 39-41, 43-49, 52, 54-56, 58-60, 62-68, 71 and 73 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al. (“Yoshida”, US 6,249,905).

As per independent claim 1, Yoshida teaches a computer implemented method and corresponding system for facilitating visual representation of an application to provide data to a user comprising the steps/means:

presenting a user interface area to display an application layout of said application (col. 6, lines 15-32), said application layout comprising a plurality of application icons (43a – 43f of fig. 4b; col. 6, lines 15-32) and at least one connection that connects said plurality of application icons (44 and 45 of fig. 4c; col. 6, lines 15-32), each application icon corresponding to an application component of said application (col. 6, lines 2-14).

As per claim 2, which is dependent on claim 1, Yoshida further teaches facilitating visual modification of said application layout (col. 6, lines 15-32).

As per claim 3, which is dependent on claim 2, Yoshida teaches wherein said facilitating further comprises:

facilitating selection of an application icon of said plurality of application icons; and facilitating modification of a position of said application icon within said application layout (col. 6, lines 15-24).

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As per claim 5, which is dependent on claim 3, Yoshida teaches facilitating repositioning of at least one remaining application icon of said plurality of application icons connected to said application icon via said at least one connection (col. 4, lines 35-45 and col. 4 lines 15-24).

As per claim 6, which is dependent on claim 2, Yoshida teaches wherein said facilitating further comprises:

facilitating selection of a connection of said at least one connection; and facilitating modification of said connection within said application layout (col. 4, lines 15-24 and col. 6, line 61 – col. 7, line 2)..

As per claims 7, 8 and 9, Yoshida teaches wherein facilitating said modification of said connection further comprises facilitating visual modification of a type of said connection, wherein said type defines a two-point connection (e.g. 93a of fig. 9d) and multi-point connection (e.g. 93b of fig. 9d).

As per claim 10, which is dependent on claim 6, Yoshida teaches wherein facilitating said modification of said connection further comprises:

facilitating visual modification of a position of said connection between adjacent application icons within said application layout (col. 6, lines 24-32 and col. 6, lines 61-66).

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As per claim 11, which is dependent on claim 1, Yoshida further teaches facilitating selection of a destination file to store said application layout; and facilitating storage of said application layout in said destination file (col. 10, lines 1-33 and col. 14, lines 36-63).

As per claim 14, which is dependent on claim 1, Yoshida further teaches:

facilitating insertion of each application icon of said plurality of application icons in said application layout; and responsive to said insertion, facilitating dynamic linking of said each application icon using said at least one connection (col. 6, lines 15-32 and col. 15, lines 3-25).

As per claim 16, which is dependent on claim 14, Yoshida's system includes a Define Reuse Components section 105 (fig. 5; col. 9, lines 40-44) to allow a user to define reuse components; therefore, it is inherent in Yoshida's system to have a first interactive window area to enable said user to define said application component; and furthermore, Yoshida's system also includes an Object-oriented Programming and Executing Environment 104 (fig. 5; col. 9, lines 32-35), which manages all definition, compilation, composition and execution of reuse components; therefore, it is inherent in Yoshida's system to have a second interactive window area to enable said user to insert text related to said application component in a predetermined language.

As per claim 17, which is dependent on claim 14, Yoshida teaches the application component is an application business logic component (fig. 7c; col. 11, lines 28-40 and col. 12, line 37 – col. 13, line 17).

As per claim 18, which is dependent on claim 14, Yoshida teaches the application component is a data source component (col. 6, lines 33-45).

As per independent claims 20, 39 and 58, they are similar in scope to claim 1; therefore, they should be rejected under the same rationale.

As per claims 21, 40 and 59, they are similar in scope to claim 2; therefore, they should be rejected under the same rationale.

As per claims 22, 41 and 60, they are similar in scope to claim 3; therefore, they should be rejected under the same rationale.

As per claims 24, 43 and 62, they are similar in scope to claim 5; therefore, they should be rejected under the same rationale.

As per claims 25, 44 and 63, they are similar in scope to claim 6; therefore, they should be rejected under the same rationale.

As per claims 26, 45 and 64, they are similar in scope to claim 7; therefore, they should be rejected under the same rationale.

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As per claims 27, 46 and 65, they are similar in scope to claim 8; therefore, they should be rejected under the same rationale.

As per claims 28, 47 and 66, they are similar in scope to claim 9; therefore, they should be rejected under the same rationale.

As per claims 29, 48 and 67, they are similar in scope to claim 10; therefore, they should be rejected under the same rationale.

As per claims 30, 49 and 68, they are similar in scope to claim 11; therefore, they should be rejected under the same rationale.

As per claims 33, 52 and 71, they are similar in scope to claim 14; therefore, they should be rejected under the same rationale.

As per claims 35, 54 and 73, they are similar in scope to claim 16; therefore, they should be rejected under the same rationale.

As per claims 36 and 55, they are similar in scope to claim 17; therefore, they should be rejected under the same rationale.

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As per claims 37 and 56, they are similar in scope to claim 18; therefore, they should be rejected under the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 15, 19, 23, 34, 38, 42, 53, 57, 61 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Official Notice.

As per claim 4, which is dependent on claim 3, Yoshida does not disclose facilitating said selection further comprises facilitating display of said application icon in a highlighted color within said application layout. Examiner takes Official Notice that highlighting an icon with a color is obvious to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to highlight an icon with a color in Yoshida's system since it would make users easily to distinguish that highlighted icon to other icons.

As per claim 15, which is dependent on claim 14, Yoshida does not disclose facilitating renaming of said application component corresponding to said each application icon in said application layout. However, Examiner takes Official Notice that renaming a reused software component is obvious to one of ordinary skill in the art. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to rename a reused software component in Yoshida's system since it would help avoiding naming conflicts.

As per claim 19, which is dependent on claim 14, Yoshida does not disclose the application component is a presentation logic component. However, Examiner takes Official Notice that Yoshida's system implements object-oriented programming techniques that supports modular design of complex frameworks (abstract). Presentation logic component is an obvious use in the designed framework system for creating a GUI presentation for a particular business application. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a presentation logic component in Yoshida's system since it would allow users to create GUI presentation faster and easier using the reused components.

As per claims 23, 42 and 61, they are similar in scope to claim 4; therefore, they should be rejected under the same rationale.

As per claims 34, 53 and 72, they are similar in scope to claim 15; therefore, they should be rejected under the same rationale.

As per claims 38 and 57, they are similar in scope to claim 19; therefore, they should be rejected under the same rationale.

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8. Claims 12, 13, 31, 32, 50, 51, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida in view of Charisius et al. ("Charisius", US 2002/0112225).

As per claim 12, which is dependent on claim 1, Yoshida does not disclose facilitating display of a scaled rendering of said application layout in an interactive window area adjacent to said user interface area. Charisius disclose that, for example, in fig. 14 (page 11, [0114]) with a scaled interactive window on the left and a user interface area, that displays application layout, on the right. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Charisius of displaying a scaled rendering of an application layout in an interactive window area adjacent to the user interface area in Yoshida's system since it would help users to easily keep track of object selections within the interactive window.

As per claim 13, which is dependent on claim 12, Charisius further discloses facilitating selection of an application icon of said plurality of application icons in said interactive window area; and responsive to said selection, facilitating selection of said application icon to said application layout within said user interface area (fig. 14, page 11, [0114]).

As per claims 31, 50 and 69, they are similar in scope to claim 12; therefore, they should be rejected under the same rationale.

As per claims 32, 51 and 70, they are similar in scope to claim 13; therefore, they should be rejected under the same rationale.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5377318 A to Wolber; Susan G. discloses line probe diagnostic display in an iconic programming system.

US 5862379 A to Rubin; Robert V. et al. discloses visual programming tool for developing software applications.

US 6331864 B1 to Coco; Geoffrey P. et al. discloses real-time multimedia visual programming system.

US 6226692 B1 to Miloushev; Vladimir I. et al. discloses method and system for constructing software components and systems as assemblies of independent parts.

Inquiries

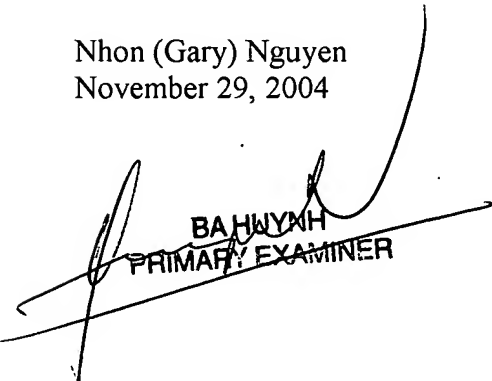
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
November 29, 2004



BAHUYNH
PRIMARY EXAMINER